

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMERICAN MANUFACTURERS MUTUAL
INSURANCE COMPANY,

Plaintiff,

vs.

TOWN OF NORTH BROOKFIELD,
Defendant.

Civil Action No. 03-40266-CBS

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON
COUNT II OF DEFENDANT'S COUNTERCLAIM – CHAPTER 93A

Plaintiff, American Manufacturers Mutual Insurance Company (“AMMIC”) hereby moves for summary judgment on Count II of the Town of North Brookfield’s Counterclaim that alleges that AMMIC violated G.L. c. 93A. The Town of North Brookfield (the “Town”) cannot prove facts sufficient to support its claim. This failure, and certain material facts not in dispute, warrant summary judgment as a matter of law in favor of AMMIC on Count II.

AMMIC submits in further support of this motion its Statement of Undisputed Facts, its Memorandum of Law and the Affidavits of Deborah S. Griffin, Stephen J. Beatty and Richard P. Anastasio.

REQUEST FOR HEARING

AMMIC requests a hearing on this Motion.

CERTIFICATION UNDER LOCAL RULE 7.1

The undersigned hereby certifies that counsel have conferred and have attempted in good faith to resolve or narrow the issue presented by this motion.

**AMERICAN MANUFACTURERS
MUTUAL INSURANCE COMPANY**

By its attorneys

HOLLAND & KNIGHT LLP

/s/ Deborah S. Griffin

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Dated: December 16, 2005

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